UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/SR.28
14 March 2002

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 28th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 2 April 2001, at 10 a.m.

Chairperson: Mr. DESPOUY (Argentina)

CONTENTS

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF THAILAND

STATEMENT BY THE CHAIRMAN OF THE PRESIDENTIAL OFFICE OF YEMEN

STATEMENT BY THE MINSTER OF JUSTICE OF THE SUDAN

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.01-12390 (E) 120302 140302

CONTENTS (continued)

STATEMENT BY THE SECRETARY-GENERAL OF THE ORGANIZATION OF THE ISLAMIC CONFERENCE

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(b) PROCEDURE ESTABLISHED IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1503 (XLVIII) AND 2000/3 (continued)

The meeting was called to order at 10.15 a.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF THAILAND

1. Mr. SATHIRATHAI (Thailand) said his country was honoured to be participating in the current session of the Commission on Human Rights for the first time as a full member. It hoped thereby to take part in the promotion and protection of human rights in all their dimensions.

2. Thailand's new administration, which had assumed office in February 2001, aimed to promote the implementation of human rights principles in public administration and the teaching of human rights in educational institutions. That was why the Government proposed to put more emphasis on public participation at all levels of decision-making. It was committed to providing public health and education for all to enable everyone to live with dignity and to contribute to the betterment of the world. Thailand was convinced that human rights should be seen in a comprehensive manner because they were interdependent and of equal importance. Experience had shown that sacrificing one set of rights at the expense of another would only lead to imbalance and disruption. No one should be forced to choose between the right to food and the right to democracy. Governments should make decisions on behalf of the people after consultation and endorsement. The international community, for its part, should stand ready to assist, but not to assault, to alleviate a situation, but not to aggravate it.

3. In that regard, Thailand felt that the 1986 Declaration on the Right to Development exemplified a balanced approach to addressing human rights. Developed and developing countries alike should work together to promote the right to development.

4. While globalization had brought along with it a number of discouraging developments such as drug trafficking, trafficking in women and children, the smuggling of migrants and the spread of HIV/AIDS, it could also have a direct positive impact on the well-being of local communities. The Thai Government considered it a priority to revitalize popular participation at the grass-roots level through such actions as education, microcredits and the strengthening of community associations.

5. The challenges posed by globalization could be addressed most effectively not by the State or the international community, but by people themselves. In that regard, in order to maximize the contribution of individuals to shaping the course of the world, the cultural diversity of local communities must be taken into consideration when setting international standards.

6. Thailand believed that the international community had an important role to play in promoting the right to development and human-centred development. The international community had the responsibility to help people when they were in need. Human rights should therefore not be used as a precondition for international development assistance, since it was clear that it was not the State, but ordinary people, who suffered most from a lack of such assistance.

7. Tolerance, understanding and respect for diversity were fundamental to peace, development and democracy. That was why Thailand was determined to address all aspects of human rights in a balanced and comprehensive manner. It wanted to see the Commission move beyond politicization to place human well-being, dignity and potential at the top of its agenda.

8. Thailand knew from experience that it was sometimes difficult to blend international norms with national values. It therefore hoped to facilitate the convergence of divergent views and practices on human rights between developed and developing countries, for the benefit of all.

9. In half a century, the Universal Declaration of Human Rights had highlighted the undeniable universality of human rights, even though in practice the concept of human rights might be implemented in different forms.

10. His delegation deeply regretted the decision of the United Nations High Commissioner for Human Rights not to seek a second term. It commended her dedication to the cause of human rights throughout the world. Her recent visit to Thailand had greatly contributed to the advancement of that cause in the country. Thailand wished her every success in her future endeavours.

STATEMENT BY THE CHAIRMAN OF THE PRESIDENTIAL OFFICE OF YEMEN

11. Mr. AL-ANISI (Yemen) said that his country had been one of the first to sign and ratify the Universal Declaration of Human Rights and other international instruments which had become an integral part of the Yemeni legal system. Yemen's interest in promoting strong relations with the Office of the United Nations High Commissioner for Human Rights had resulted in the signing of a technical cooperation agreement on 14 February 2001. In Yemen, the Supreme National Committee for Human Rights had been functioning effectively. In addition to its efforts to promote human rights education through such activities as the organization of seminars for members of the legal profession and law enforcement officers, it had given a great deal of attention to penitentiary conditions and the treatment of prisoners.

12. The democratic system was improving in the country. On 20 February 2001, the Yemeni Constitution had been amended with a view to encouraging the participation of political parties in elections and enhancing government accountability to the Representative Council or, in other words, to Parliament. Municipal elections, the openness of which could be corroborated by observers, had been held for the first time.

13. The Republic of Yemen was looking forward to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. It hoped it would be possible to overcome the differences which had emerged during the preparatory meetings, especially on the issue of compensation.

14. The reports issued by the United Nations High Commissioner for Human Rights after her historic visit to the occupied Arab territories and by the mission of inquiry set up by the Commission had confirmed the gross violations of human rights committed by the occupying Israeli forces. His country demanded that the necessary measures should be taken to give effect

to the recommendations contained in the reports and that Israel should comply with the Fourth Geneva Convention of 1949 and withdraw from all occupied Arab territories. It insisted on respect for all the commitments undertaken in relation to the peace process launched in Madrid in 1991 and for all international resolutions, especially Security Council resolutions 242 (1967) and 338 (1973).

15. Despite the emergence of the right to development in 1986, matters had advanced only since the establishment at the preceding session of a working group on that right. His Government had paid much attention to that issue, especially the integration of human rights in development. A workshop on that topic was soon to be held in Sana'a with the support of the United Nations Development Programme (UNDP). Yemen hoped that, at the upcoming Third United Nations Conference on the Least Developed Countries, the donor countries would assume their responsibilities vis-à-vis the poor countries in such matters as alleviating the debt burden and the transfer without reserve of modern technology.

STATEMENT BY THE MINISTER OF JUSTICE OF THE SUDAN

16. Mr. OSMAN YASSIN (Sudan) said that his country was convinced of the universality of human rights, but thought that nothing was farther removed from that principle than the selectivity, non-objectivity and politicization that characterized the handling of human rights issues in certain countries. Hence the need for impartiality, transparency and objectivity in that area and for a balanced approach to civil and political rights and economic, social and cultural rights, taking account of their indivisibility and interdependence. In that context, the Sudan supported the work of the Working Group on the Right to Development, particularly the report prepared by its Chairman. The Working Group on Structural Adjustment should meet immediately after the Commission's current session in order to submit its report to the fifty-eighth session. The Sudan attached great importance to the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and ardently hoped that the forthcoming informal consultations would succeed in bridging the gap between the positions of the regional groups.

17. In the Sudan, numerous positive developments had taken place in the human rights sphere since the Commission's preceding session. The new Political Parties and Political Associations Act of 2000 allowed such parties and associations to carry out their activities by merely giving notice to the corresponding registrar. The Government and the leaders of the Umma Party had signed an accord that had enabled persons who had chosen to live in exile to return to the country to participate in political life. Such personalities included Mr. Gafaar Mohamed Nimeri, former President of the Republic. Parliamentary and presidential elections had been held in late 2000, the first to take place under the 1998 Constitution, and had created a democratic atmosphere. In December 2000, the President of the Republic had formed a new ministerial cabinet which was now composed for the first time of ministers from different political parties. The Constitutional Court had made a number of decisions setting important precedents on freedom, human rights and administrative justice. It had also intervened in various cases to defend women's right to work and freedom of the press. Consistent with its policy of fair distribution of resources throughout the country, the Government had allocated large sums to a rescue programme for the south to be utilized in promoting social services, particularly education, water and health services during the period 2000-2001.

18. Fully aware of the detrimental impact of the prolonged war in the southern part of the country, his Government had left no stone unturned to bring about a just and lasting peace in that region. In 2000, governmental delegations had participated in a series of seminars held by the Permanent Secretariat of the Intergovernmental Authority on Development (IGAD) aimed at facilitating discussions with the Sudanese People's Liberation Movement (SPLM). The Sudanese Government believed the Egyptian-Libyan national reconciliation efforts, which supplemented the IGAD peace process, to be an important initiative. Unfortunately, the intransigence shown by the SPLM was the main impediment to reaching a peace agreement in the south. That was why he urged the international community to exert pressure on the rebels in order to accelerate the peace process. His Government continued to facilitate the work of Operation Lifeline Sudan, yet the SPLM persisted in diverting humanitarian relief to benefit its armed men. The international community should ensure that the rebel movement stopped depriving innocent people of much-needed assistance.

19. The eradication of the abduction of women and children was a matter of utmost importance for his Government, which had created a Committee on the Eradication of Abduction of Women and Children in May 1998. The Committee had been able, within a short span of time, to retrieve hundreds of abducted women and children and to reunite them with their local communities. In contrast, the practice of buying them back, as some non-governmental organizations did, had proved futile and ineffective. His Government expressed gratitude to the European Union, the United Nations Children's Fund (UNICEF), the Canadian Government and non-governmental organizations like Save the Children in the United Kingdom and Sweden for their financial and material support of the Committee.

20. In early March 2001, the Sudanese Government had received a visit from the newly appointed Special Rapporteur on the situation of human rights in the Sudan, Mr. Gerhart Baum, to whom it had provided all necessary cooperation for the accomplishment of his mission. In the context of the technical cooperation programme with the Office of the High Commissioner, the Government of the Sudan was currently looking into the possibility of establishing a national body for the promotion and protection of human rights.

STATEMENT BY THE SECRETARY-GENERAL OF THE ORGANIZATION OF THE ISLAMIC CONFERENCE

21. Mr. BELKEZIZ (Secretary-General, Organization of the Islamic Conference) said that the OIC included 56 States bonded by a common cultural heritage inspired by the Islamic religion, with its clear and comprehensive view of human rights. Islamic canonical law emphasized the equality of all human beings as well as justice, equity, tolerance and mercy. It was on that basis that the OIC endeavoured to promote understanding and agreement among all peoples and called for dialogue among civilizations. It had in fact been the first to support the idea of the proclamation of the year 2001 as the United Nations Year of Dialogue among Civilizations. The recommendations adopted by the OIC attested to its will to ensure respect by all Member States for human rights in both their Islamic and contemporary conceptions, in view of their universality.

22. On the threshold of the twenty-first century, the planet was the scene of many evils: gross injustice, lack of respect for the right to development, coercive measures, a yawning gap between rich and poor countries, capital outflow and the brain drain to the industrialized countries and the damaging effects of globalization on poor countries.

23. To that list must be added the emergence of new forms of racism, islamophobia being one of the most heinous. The third World Conference against Racism, to be held in Durban (South Africa), would be an opportunity to counteract that new aberration and to seek ways of facing the discrimination directed at the immigrant labourers migrating from the south to the industrialized countries.

24. The denial to an entire people of the right to self-determination, as in the case of the Palestinian people, was one of the most serious of human rights violations. The report submitted by the High Commissioner in November 2000, Amnesty International's report of 21 February 2001, the report of the International Committee of the Red Cross (ICRC) and those of other human rights organizations attested to the unique nature of that situation. Israel's use against the legitimate resistance of the Palestinian people of excessive and disproportionate force constituted a blatant contravention of the basic principles of the United Nations. Unfortunately, the Commission's holding of a special session in October 2000 to condemn those grave violations had had no effect on Israel.

25. The OIC had always participated in the Commission's efforts to achieve respect for human rights and to combat racism, all forms of discrimination, exclusion and marginalization. It was determined to continue along that road.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(b) PROCEDURE ESTABLISHED IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1503 (XLVIII) AND 2000/3 (agenda item 9) (continued) (E/CN.4/2001/31-36, 37 and Corr.1, 38, 39, 40 and Add.1, 41, 42, 43 and Add.1, 44, 45 and Add.1 and Corr.1, 47 and Add.1 and Corr.1, 48, 107, 119, 122, 124, 127-129, 131, 132, 135, 140, 144, 149 and 150; E/CN.4/2001/134-E/CN.4/Sub.2/2001/3 and Add.1-3; E/CN.4/2001/NGO/8, 13, 29, 51, 75, 81, 85-89, 114, 121-124, 129, 136, 153, 156-158, 176, 180, 183-186; E/CN.4/Sub.2/2000/8; A/55/269; A/C.3/55/5)

26. The CHAIRPERSON informed the participants that, under the procedure established in accordance with Economic and Social Council resolutions 1503 (XLVIII) and 2000/3, the Commission had considered in closed meeting the situation of human rights in the Democratic Republic of the Congo, the Maldives, Togo and Uganda and had decided to discontinue consideration of the situation of human rights in the Democratic Republic of the Congo, the Maldives and Uganda. In accordance with paragraph 9 of resolution 2000/3, members of the Commission could mention in public meeting neither the confidential decisions that had been adopted nor the documents concerning the four countries mentioned.

27. On the other hand, the Working Group on Situations wished to disclose publicly that many of the Governments concerned had not responded to the decisions adopted by the Working Group on Communications in August 2000. The Working Group on Situations wished to emphasize the importance it attached to replies by Governments to the requests for information transmitted at all stages of the 1503 procedure, in other words, by the Working Group on Communications, the Working Group on Situatic as and the Commission on Human Rights. The Working Group on Situations considered that the timely transmission of replies was essential to the proper functioning and effectiveness of the 1503 procedure.

28. Mr. GARRETÓN (Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo), submitting his seventh report on the situation of human rights in that country (E/CN.4/2001/40 and Add.1), said that the past year had been marked by the continuation of the various armed conflicts in the territory of the Democratic Republic of the Congo, serious violations of human rights and, in January 2001, the assassination of President Laurent-Désiré Kabila.

29. He had carried out two missions to the Democratic Republic of the Congo, visiting the areas controlled by the Government and those administered by rebel groups. He had spoken with the highest governmental authorities and also met with high-level officials of the Congolese Rally for Democracy (RCD), the Movement for the Liberation of the Congo (MLC) and the Congolese Liberation Front (FLC), movements which controlled over half of the country's territory, thanks to support from Rwanda, Uganda and Burundi. He had also carried out consultations in New York, where he had met, among others, with the Secretary-General of the United Nations, the Facilitator for inter-Congolese dialogue and representatives of the Organization of African Unity (OAU), the European Union and non-governmental organizations. He had participated twice in Security Council meetings under the "Arria formula".

30. The war in the Democratic Republic of the Congo consisted of several overlapping conflicts. Nine armed conflicts, some with internal and some with international ramifications, were going on in the country's territory. Seven national armies and 22 irregular groups were involved. The victims of all the conflicts were always Congolese and usually civilians.

31. The most serious conflicts were the in the eastern part of the country, where the Government was fighting against the Congolese Rally for Democracy/Goma (RCD/Goma), which was supported by Rwanda, and in the north, where the Government faced the Congolese Rally for Democracy/Liberation Movement (RCD/ML) and the Movement for the Liberation of the Congo (MLC), which had joined forces to form the Congolese Liberation Front (FLC) and were supported by Uganda. The open hostilities between Rwandan and Ugandan armed forces in the town of Kisangani had led to the death of hundreds of Congolese civilians. The Security Council, which used to characterize Rwanda and Uganda as "uninvited countries", now described them as "countries that had violated the sovereignty and territorial integrity of the Democratic Republic of the Congo" and as occupying forces.

32. The human and ecological consequences of those conflicts, although difficult to quantify, were unprecedented. None of the parties had respected the 1999 Lusaka Ceasefire Agreement. Fortunately, the new President, Joseph Kabila, had undertaken to apply it.

33. The conflict between the Bahema and Balendu ethic groups in the Ituri region (eastern province) was undoubtedly the one with the most serious consequences. The absence of the Congolese authorities for several months and the occupation of the area by the Ugandan army, which gave obvious preference to the Bahema, explained why it had been impossible to resolve differences as in the past and why the terrible massacres of 19 January 2001 had occurred. There was another reason for the conflict: discrimination. The Balendu had been badly treated by the former colonial Power, Belgium, and were receiving the same treatment by the Ugandan occupying forces and some influential representatives of the Catholic Church. Since 1999, the conflict had allegedly claimed over 15,000 victims and driven nearly 75,000 persons from their homes. FLC, which had controlled the Ituri region since February 2001, had held consultations in which 156 traditional chiefs had taken part and which had led to the signing of a protocol of agreement.

34. In Government-controlled regions, the most serious human rights violations had been attacks on liberty of person, freedom of expression and opinion, particularly press freedom, and freedom of association. Numerous cases of torture, some resulting in death, had been documented.

35. While infringements of the right to life did not generally occur as frequently as in the area controlled by RCD, the notorious Military Court had continued to hand down death sentences, despite the promises made to himself and to the United Nations High Commissioner for Human Rights by the late President Kabila. Commander Masasu and eight other persons had thus been summarily executed on 24 November 2000. He himself had been officially informed of Commander Masasu's execution, but the commander's family and the Congolese public had not.

36. On the very day that President Kabila had been assassinated, his alleged killer had been executed and, in the next few hours, 11 Lebanese had been arrested and summarily executed. Those two tragic incidents had taken place before the swearing in of President Joseph Kabila, who could thus not be held responsible for them.

37. The Government of President Laurent-Désiré Kabila had not taken any major steps in the direction of democracy. Political parties were still banned and the persecution to which members of the opposition continued to be subjected was a very serious obstacle to the establishment of a democratic regime. The Facilitator for inter-Congolese dialogue, Sir Ketumile Masire, who had been rejected by Laurent-Désiré Kabila, had been received two weeks previously by President Joseph Kabila and representatives of political parties had been invited to meet him. Only a few had accepted the invitation.

38. He regretted the fact that President Joseph Kabila had not used his statement before the Commission on Human Rights to announce the repeal of repressive Decree-Laws Nos. 194 and 195.

39. An international commission of inquiry on the assassination of President Laurent-Désiré Kabila had been established; it was composed of representatives of the Democratic Republic of the Congo and allied countries and had very broad powers. Fifty-eight persons were now being held in the central prison in Kinshasa: none had been given legal counsel.

40. A climate of terror could still be felt in the regions controlled by RCD and its Rwandan ally, which the population described as "aggressors". The local population had been subjected to massacres and atrocities, as in previous years. Rwandan military personnel acted with total impunity.

41. The exercise of the right to liberty of person remained severely restricted and many human rights defenders had been threatened and arrested. Any dissent or opposition was seen by the authorities as "collaboration with the Kabila regime" or as "attempted genocide". He had received reports of the deportation of Congolese citizens to Rwanda. Priests and ministers had been arrested and murdered; the archbishop of Bukavu had been prevented for several months from returning to his diocese.

42. On his most recent mission, however, he had noticed an improvement in relations between the authorities and civil society. Non-governmental organizations now had easier access to the detention centres administered by the public prosecutor's office.

43. In August 2000, he had visited Gbadolite, the headquarters of MLC, and had observed that the same climate of terror did not prevail there as in Goma, Bukavu and Kisangani. He had recently visited Beni and Bunia, which had been administered by RCD/ML until January 2001. He had found a very strong feeling among the population of rejection of the local authorities, particularly the Ugandan army.

44. FLC's efforts to find a solution to the conflict between the Bahema and the Balendu had obviously been appreciated by the population, which hoped that President Bemba could soon prevail over his Ugandan ally.

45. The situation of human rights defenders remained very precarious throughout the country. They were threatened, taken into custody and detained and their offices were often searched or shut down. In the areas administered by the Government, they were considered to be allies of the rebellion, whereas in the east, they were viewed as allies of the Government.

46. In 2000, it had been impossible to carry out the joint mission to investigate the 1996-1997 massacres because of the dangerous security situation.

47. He had found that, regardless of whether they had signed the Lusaka Agreement, all parties to the conflict recruited and used child soldiers. That was a practice which had been imported by the Ugandan and Rwandan armies and to which the Zairian Armed Forces did not resort. Still, it was in the areas controlled by Uganda that the problem was particularly acute.

48. Reaffirming the conclusions and recommendations contained in his report, he stressed that none of the many wars that had occurred in the twentieth century had pitted two democratic countries against each other. The international community should therefore demand that all countries implicated in the Congolese drama should establish democratic regimes. Peace would be restored in the Democratic Republic of the Congo and the Great Lakes region only when all players agreed to the same rules of law and coexistence.

49. The Congolese people was tired of living in a country divided into three parts: a Congolese Congo, a Rwandan Congo and a Ugandan Congo. In the process of rebuilding a united Congo, the legitimate aspirations of all Congolese must be fully taken into account.

50. Above all, a solution to the conflict must not violate the principles of respect for the rights of all, prosecution by competent courts of individuals guilty of crimes against humanity and, lastly, respect for the borders inherited from the colonial era.

51. Mr. MVUMBI (Democratic Republic of the Congo) said the fact that President Joseph Kabila had journeyed to Geneva to address the Commission on Human Rights showed how much importance the Congolese Government and people attached to the promotion of human rights and the creation of a State based on the rule of law.

52. The Special Rapporteur had visited the Democratic Republic of the Congo in March 2001 at the invitation of the Government of Public Salvation, even though the war of aggression that had lasted for nearly three years had still been raging. He had at then been able to see for himself the gross and massive human rights violations committed in the war-torn provinces, as well as the efforts being made by the Government to promote and protect human rights.

53. With regard to the points made by the Special Rapporteur in his report, some were no longer relevant and the Government was devoting its full attention to others. Such was the case of the inter-Congolese dialogue, the implementation of the Lusaka Ceasefire Agreement, cooperation with the United Nations observer mission in the Congo, the reform of the military courts, the elaboration of a national plan of action on human rights and the precedence of international instruments over domestic legislation.

54. Soldiers from Rwanda, Uganda and Burundi were pursuing their war of aggression against the Democratic Republic of the Congo in contempt of the principles of international law governing relations among States. The famous security argument frequently invoked by the aggressor countries could in no way justify the barbarous acts committed by soldiers against the civilian population, mainly women, children and the elderly.

55. With regard to the Lusaka Ceasefire Agreement and the inter-Congolese dialogue, he noted that, by receiving Sir Ketumile Masire in Kinshasa, the Head of State had sought to give new momentum to the implementation of the Agreement. That Agreement, the Kampala and Harare withdrawal plans and the Security Council's resolutions were aimed at restoring the territorial integrity and sovereignty of the Democratic Republic of the Congo.

56. The Government had repeatedly demonstrated its commitment to inter-Congolese dialogue with the aim of reconciling the Congolese and consolidating a State based on rule of law, including through the organization of free and open elections throughout the national territory after the full and final withdrawal of the forces of aggression. With the unreserved support of the international community, the Democratic Republic of the Congo hoped to revive its economy and to resume its rightful place in the community of nations.

57. Despite some isolated incidents in which public freedoms had been infringed, the Government was firmly determined to establish the rule of law and had taken a number o important steps in that direction: closure of jails and places of detention not administered Public Prosecutor's Office, reform of the military courts, convening of a national confere human rights, establishment of commercial and labour courts. The Ministry of Human R was carrying out a constructive dialogue with civil society, particularly NGOs and the m State institutions were participating actively in the preparations for the National Conferen Human Rights, which would speed up the establishment of a human rights culture at all l

58. Contrary to what the Special Rapporteur had said, the principle of the separation executive, legislative and judicial branches was applied in the Democratic Republic of th Congo. As for the liberalization of political parties, a joint commission (public institutio society - political parties) was studying conditions for the application of Decree-Law No. the organization and operation of political parties and groups. Political rights must be ex with full respect for their legal framework.

59. Concerning child soldiers, everyone acknowledged that the vast majority was rec the war-torn provinces. However, in the area controlled by the Government, the situation child soldiers was given special attention and Decree-Law No. 66 of 9 June 2000 had thu enacted on the demobilization and integration of vulnerable groups from within the warri forces. A national bureau for demobilization and reintegration had been set up in January

60. In that connection, he publicly denounced the conscription of Congolese children Rwandan and Ugandan forces and their deportation to military camps in Uganda and Rw The Government of the Democratic Republic of the Congo demanded the return of those children to their homeland and requested the assistance of UNICEF and the ICRC for tha purpose.

61. With regard to the primacy of international law, he recalled that, under the Consti of the Democratic Republic of the Congo, the rules of international law, including interna human rights treaties, took precedence over domestic law.

62. He informed the Special Rapporteur that, since December 1999, the Democratic R of the Congo had had a national plan of action on human rights which would probably be amended by the National Conference that was to be held soon on that subject.

63. The Government of the Democratic Republic of the Congo took note of the recommendations made by the Special Rapporteur, promised to take them into account in activities for the promotion and protection of human rights and would spare no effort to p and consolidate the partnership established with the United Nations High Commissioner Human Rights.

64. Mr. AMAT FORES (Cuba) said that, even though, in the aftermath of the Second War, the international community had, in the Charter of the United Nations, reaffirmed it in the fundamental rights of human beings, international cooperation for the full realizati

human rights was far from a reality. Indeed, the climate of confrontation and intolerance that had subsequently developed had not spared the Commission on Human Rights, which had since the end of the cold war, been used by a small number of powerful countries for the purpose of aggression and imperialism.

65. In the texts adopted in 2000, the Commission had criticized the human rights situation in 22 countries of the south. The western countries had played a decisive role in the drafting and contents of those texts, but nothing had been said about the human rights violations committed in the so-called "developed world". The accusations made reflected arrogance and bias that gave an absolutely distorted picture of the true situation.

66. The critics did not analyse the original causes of the situation and did not highlight the role played by the industrialized countries in bringing it about. The passivity and silence of the few countries of the south not subjected to such criticism in no way guaranteed that they would not one day be subjected to the same manipulation.

67. The industrialized countries were engaging in demagoguery and hypocrisy when they held up the concepts of freedom and political rights to the developing countries, since they were doing nothing to eradicate their poverty or to ensure their development. Was the Commission's role not to encourage dialogue and understanding among nations in order to promote international cooperation on human rights, rather than to crush countries that upheld their own sovereignty, independence and right to self-determination?

68. The manipulation of the Commission for hegemonistic purposes by the United States and its allies was transparent and discredited the Commission's work. The United States was now behind a new draft resolution condemning Cuba, a manoeuvre dictated by political considerations that had nothing to do with concern for human rights and reflected the double standard of a country that advocated freedom while preventing others from acting freely. What gave a country that had so many human rights violations of its own to answer for, that allowed 15 per cent of its population to live below the poverty level, that subjected millions of Afro-Americans to discrimination and that had built its prosperity on the massive killing and displacement from their lands of millions of indigenous persons the right to condemn others in the "Blue Book" published every year just before the start of the Commission's session and to subject Cuba to repeated aggression?

69. Cuba was firmly resolved to resist such aggression. With the support of a democracy that drew its roots from its people and its own unique system, it had many organizations whose members came from all population sectors. The opposition that the Cuban Revolution faced was no more than a movement invented by the largest power on the planet, which thereby betrayed its imperialistic ambitions. If the Commission was to promote and protect human rights, it was time for it to stand up to the manipulation to which it was being subjected because its own credibility was at stake.

70. Mr. BOICHENKO (Russian Federation) said that, although it had been 10 years since the end of the cold war, some people were so wedded to the outdated logic of the past that they were incapable of facing the enormous problems now developing in the era of globalization. The tendency to raise human rights to the level of a religion was similarly outdated, but all the more

disturbing because it divided the world into two categories: the righteous on the one side and the guilty, on the other. And, naturally, the guilty were always the same. The Russian Federation found that unacceptable. It could also not agree to the interpretation of the Universal Declaration of Human Rights as being the exclusive province of offices or committees set up to examine "situations" in countries. That was no way of explaining crises and conflicts.

71. The Balkan crisis was one example. The international community's silence, if not to say indifference, had made Serbia the "ghetto of the twenty-first century". The international community was being very shortsighted about the true cause of the Balkan tragedy, namely, international terrorism. It never took the necessary measures against extremists when action was really needed.

72. Everyone was aware of the situation in Chechnya. The Commission had seen reports on it many times. It was a thorn in Russia's side and it must be shielded from terrorists who were trying to keep a hold on its territory, unleashing suffering and destruction everywhere, as could be seen from the recent attacks which had caused more victims. Russia was, of course, ready for dialogue, but only with those who wanted peace, legality and human rights to be restored.

73. Russia was a democracy. Russian society was therefore entitled to explanations. Specifically, it needed to know why the Commission on Human Rights took no notice of the atrocities committed by terrorists in the form of hostage taking and the hijacking of aircraft, for example. The Commission would lose all credibility if it did not take account of all the aspects of the situation in Chechnya.

74. He recalled the case of Vincent Cochetel, a Frenchman taken hostage by the Chechens. He had been chained up so that he could take no more than four steps. Like him, Russia hoped that a fifth step would be taken. For that to happen, the Commission must break the chains that bound it. In other words, it must be prepared to carry out a study taking account of all aspects of the situation in the Chechen Republic of the Russian Federation.

75. Mr. HUSSAIN (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), said that OIC regretted the fact that resolutions under agenda item 9 continued to target the Islamic countries. The objectivity of such resolutions was open to doubt, since they reflected a deep-seated bias against the Islamic heritage, ran counter to the spirit of dialogue and cooperation and merely aggravated the situation in the countries concerned. For several years, the members of OIC and other countries had been calling for the consideration of the situation of human rights in the Islamic Republic of Iran to be discontinued. In its statement under agenda item 3, OIC had pointed out that, for 18 years the Commission had been considering the human rights situation of one of its members, despite the fact that the international community had welcomed the progress made by that country in the field of human rights.

76. It was disheartening that campaigns based on unproven and politically motivated allegations were frequently mounted against certain members of OIC and that Islam should be subjected to deliberate slander and misrepresentation. OIC was appalled at the lack of respect shown by certain countries for the Islamic religion and deplored the efforts to create conflict with Islamic communities as a means of justifying the suffering inflicted on many Muslim peoples

and nations. It remained concerned about the plight of Muslim peoples and Islamic communities in various parts of the world, a concern echoed in 2000 by the Islamic Conference of Foreign Ministers in Kuala Lumpur and by the Islamic Summit in Doha.

77. The most glaring example of human rights violations was the systematic violation of the fundamental rights of Palestinians and other Arabs living in the Israeli-occupied territories and the Golan Heights. OIC called on Israel to put an end to its aggression against the Palestinian people and to withdraw from the Golan Heights.

78. In Lebanon, there were two major problems: restoring the land to the Lebanese and full implementation of the relevant Security Council resolutions. OIC was concerned about the detention and abduction of dozens of Lebanese civilians from Lebanon for transfer to Israeli prisons and the thousands of landmines which had been left behind by the Israeli occupying forces and were causing additional civilian casualties every day. It called on Israel to deliver the maps of those landmines.

79. The people of Afghanistan needed international humanitarian and political support to achieve peace, national reconciliation and the resolution of the crisis caused by civil war, drought and United Nations sanctions. OIC was ready to cooperate with the United Nations in creating propitious conditions for national reconciliation among the Afghan parties.

80. In Bosnia and Herzegovina, OIC stressed the importance of the full implementation of the Dayton peace accords and of economic recovery for the consolidation of peace and stability. It was deeply concerned about the difficulties faced by Bosnian returnees to the Serb Republic and to the areas controlled by Croatians, the fate of over 20,000 missing persons and the absence of central institutions.

81. OIC had called for the sending of a fact-finding mission to Jammu and Kashmir and the appointment of a special representative of its own Secretary-General to help resolve the problems in that region amicably. It welcomed the Pakistani decision to resume negotiations with India, but remained concerned about the humanitarian situation in Jammu and Kashmir.

82. OIC was concerned about the occupation of Azerbaijani territory and the plight of a million Azerbaijani displaced persons and refugees. It called on Armenia and Azerbaijan to achieve a just and peaceful settlement on the basis of respect for the principles of the territorial integrity of States and the inviolability of internationally recognized borders.

83. OIC called on the United Nations to implement Security Council resolution 1244 (1999) in order to defend the rights of Kosovars and protect their cultural heritage and Islamic identity. The safe and unconditional return of all the refugees to their homes was a prerequisite for the settlement of the crisis in Kosovo.

84. OIC affirmed respect for the sovereignty, territorial integrity and political independence of Iraq, expressed its sympathy with the sufferings of the Iraqi people and welcomed the initiatives taken by the Security Council in resolution 1284 (1999), section C, aimed at meeting the humanitarian needs of the Iraqi people.

85. OIC called on the Government of the Russian Federation to resume its negotiations with representatives of the Chechen people as soon as possible with a view to reaching a peaceful settlement of the conflict. The Russian Federation and the international community were urged to take action to protect the Chechen refugees in the camps north of the Caucasus and to take part in the reconstruction of Chechnya.

86. OIC hoped that, in cooperation with the International Committee of the Red Cross, an early solution would be found to the problems of prisoners and missing persons from Kuwait and other countries. It also expressed its firm support for the Turkish Muslim people of Cyprus and reaffirmed the resolutions and declarations it had adopted on Cyprus.

87. Racism and religious discrimination were among the root causes of human rights violations. OIC had expressed concern for many years about the Muslim communities and minorities in non-OIC member States which were exposed to discrimination or persecution because of their religious beliefs. Like other minorities, Muslims should be able to preserve their religious and cultural identity and to enjoy the same rights and fulfil the same duties as others. OIC called on all countries that had such minorities to ensure their protection and to promote their basic rights.

88. Mr. WISNUMURTI (Indonesia) said that, although his country was still in the midst of a difficult transition, freedom and openness prevailed there. The Government had adopted a wide range of measures to strengthen national institutions, including reforms of the judicial system, the military and the police, in order to lead the country towards a more democratic system. Law No. 26/2000, adopted by the House of Representatives in November 2000, mandated district courts in central Jakarta, Surabaya and Medan to adjudicate cases of human rights abuses. Violations committed prior to the law's enactment would be handled by an ad hoc court to be set up by the Government on a proposal by the House of Representatives. It was the Government's intention to act immediately on a proposal made by the House of Representatives on 21 March 2001 for the establishment of an ad hoc court to adjudicate cases of gross violations of human rights committed in East Timor in September 1999 and during the "Tanjung Priok" incident in 1984.

89. Referring to East Timor, he said that his Government had followed up on the findings of the Human Rights Investigative Committee (KPPHAM) of the Indonesian National Commission on Human Rights concerning the violations that had taken place after the ballot in 1999. The Government had also developed its cooperation with the United Nations Transitional Administration in East Timor (UNTAET) in the exchange of information relevant to investigations, prosecutions and trials. In October 2000, the Attorney-General's Office had released the names of 23 suspects, including senior military and police personnel and former East Timor government officials. The suspects would be brought before the ad hoc court soon to be established by the Government. Should their trials be delayed, it would not be because of lack of will or toleration of impunity on the Government's part, but, rather, simply because the establishment of an ad hoc court was a particularly complex process. In January 2001, the Government had reached an agreement with the Office of the United Nations High Commissioner for Human Rights (UNHCHR) on enhancing the capacity of Indonesia's legal system. In April 2001, UNHCHR would start its programme for the training of judges, prosecutors, legal counsels and other officers of the ad hoc court.

90. Another crucial issue was the problem of refugees in West Timor. There was little doubt that the tragic incident of 6 November 2000 in Atambua (West Timor), in which three members of the Office of the United Nations High Commissioner for Refugees (UNHCR) had been killed, had been a serious setback to efforts to find a solution to the refugee problem. The Government had acted immediately to bring the perpetrators to justice, disarm former militias and prevent them from intimidating the refugees, with the result that calm and normality had returned to West Timor. However, the fact that UNHCR and other humanitarian organizations had not been able to resume their activities in West Timor had adversely affected the refugees' living conditions. Since September 2000, more than 5,000 refugees had returned to East Timor. Indonesia welcomed the decision adopted by the High Commissioner on 28 February 2001 to take practical steps to support the Government's efforts to solve the refugee problem and to facilitate the repatriation and resettlement of East Timorese refugees.

91. Promoting the human rights and ensuring the well-being of more than 210 million Indonesians of enormously varied ethnic, cultural, linguistic and religious origins spread over more than 17,000 islands was not an easy task. Nevertheless, the Government was committed to addressing problems through dialogue rather than through force. As a result, peace and order had been re-established in most of the areas affected by conflict and reconstruction, resettlement and reconciliation programmes had been implemented. The Government had also taken steps to combat the religious intolerance that permeated those conflicts.

92. In the Moluccas, his Government had engaged religious and community leaders in dialogue in order to promote enduring peace. As the security situation had improved, the local Government, in cooperation with two national NGOs, had organized a reconciliation dialogue from 14 to 18 March 2001 in which some 1,500 Muslims and Christians had come together to help end communal clashes.

93. The many problems of Aceh and Irian Jaya stemmed from past injustice, economic exploitation and grave human rights violations, which in turn had triggered the formation of separatist movements. The provinces were integral parts of Indonesia and his Government was determined to safeguard the country's territorial integrity. It had made every effort to engage in dialogue with the population in order to find a peaceful solution to the conflict and was prepared to grant the two provinces special autonomy status, giving them wide-ranging rights in local governance and a greater share in the revenues accrued from the exploitation of their natural resources. The National Commission on Human Rights had sent a fact-finding mission to investigate reported abuses in the province of Irian Jaya. As for the province of Aceh, the Government had concluded a moratorium with the armed separatist group in January 2001, but that group had repeatedly violated the agreements and was continuing to carry out terrorist acts in the province. With no improvement in the security situation in sight, the Government had recently decided to adopt a six-point programme that included the adoption of a law on special autonomy status; dialogue with various Acehnese factions, including the armed separatist group; the restoration of the normal functioning of certain civil administrations; the intensification of the reconstruction process and the development of economic infrastructure; the restoration of public law and order with the help of the police; and the adoption of the necessary measures to restore security in the province.

94. Taking note of the concern which had been expressed by certain delegations regarding the human rights situation in Indonesia and which in some cases was based on unfounded allegations, he said he hoped that his statement had contributed to a better understanding by the members of the Commission of the efforts his Government was making.

Statements made in exercise of the right of reply under agenda item 9

95. Ms. BAPTISTA (Observer for Angola), referring to the concerns expressed by the representatives of the European Union and Norway about the situation in Angola, said that Angolans deplored the continuation of the war, full responsibility for which lay with the National Union for the Total Independence of Angola (UNITA). In addition, Angola was one of the rare countries at war that had not declared a state of emergency, precisely so as not to endanger the normal functioning of democratic institutions. Although most of the country's infrastructure had been destroyed, the Government was doing everything possible to make citizens feel protected, even if they had been uprooted, and was endeavouring to ensure the smooth working of justice. With regard to the extrajudicial executions mentioned, the Government was working with the Special Rapporteur to identify the persons responsible.

96. Mr. EL JADA (Sudan) said that his delegation categorically rejected the allegations by the United States of America that slavery was still practised in the Sudan. Observers who had gone to the Sudan from various countries, including the United States, had found that that was simply not so. The allegations had no purpose other than to tarnish the Sudan's reputation. What the United States had failed to mention was that the intertribal abductions that had occurred in the south, where the conflict was continuing, had been acknowledged by the Sudanese Government. It was precisely for the purpose of stopping that practice that the Government had set up the Committee on the Eradication of the Abduction of Women and Children on 15 May 1999. The Committee had been able to free 358 abducted persons and to reunite them with their families or local communities.

97. Referring to the allegation that there was no freedom of religion in the Sudan, he recalled that Islam, Christianity and traditional African religions had coexisted in the country for at least seven centuries. The right to practise one's religion was protected by the Sudanese Constitution.

98. With regard to the aerial bombing of civilian targets, he stressed that the Sudan People's Liberation Army continued to use civilian installations for military purposes and that no bombing had taken place for several months, as the United States Secretary of State, Mr. Colin Powell, had acknowledged. In making such accusations, the United States was trying to gloss over the heinous crime it had committed on 20 August 1998, when its cruise missiles had destroyed the Al Shifa pharmaceutical laboratory in central Khartoum. A country that infringed such basic human rights as the right to life had no business talking about human rights. Before pointing an accusing finger at other countries, the United States delegation would do well to acknowledge the abuses committed in the United States itself. Lastly, with regard to the conflict in southern Sudan, he recalled that the former President of the United States, Jimmy Carter, had been quoted by the Boston Globe of 8 December 1999 as saying that the Sudanese wanted to resolve the conflict in the south, but that the biggest obstacle was the policy of the United States Government.

99. Mr. ABDULSALAM (Saudi Arabia), referring to the accusations made by the European Union and other countries, said that it was not the first time that such completely biased allegations had been made against his country. Such an attitude was not likely to promote the cause of human rights and it undermined the Commission's credibility. Those totally unacceptable criticisms would change nothing, in any event, because Saudi Arabia had no intention of departing from the rules it had set for itself in respect of human rights, which were those of Islam. Saudi Arabia respected the Commission and wished to engage with it in open and honest cooperation. It therefore hoped that dialogue would prevail over condemnation.

100. Mr. BENDO (Observer for Albania) said that his country intended to reply in writing to the accusations made by the Federal Republic of Yugoslavia.

101. Mr. LEVY (Israel), replying to the allegations made against his country by Mr. Nabil Shaath, Minister of Planning and International Cooperation of the Palestinian Authority, recalled that, in 1993, Palestinians and Israelis had changed the course of their relations from confrontation to mutual recognition. It was the Palestinian Authority which had decided in the summer of 2000 to break off the ongoing negotiations on the unresolved issues of refugees, Jerusalem and settlements. Faced with automatic weapon fire, suicide bombings and shootings, Israel had been compelled to react to defend its citizens. It was not too late to change the course of events, however. Only a rejection of violence and a return to the negotiating table would enable the differences to be resolved.

102. Mr. NAHAYO (Burundi), replying to the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, Mr. Roberto Garretón, as well as to President Kabila, emphasized that the Burundian rebels - the Forces for the Defence of Democracy (FDD) - recruited their members from among Burundian refugees based in the eastern part of the Democratic Republic of the Congo. That was why the Burundian army was sometimes forced to pursue the rebels inside Congolese territory. The Special Rapporteur himself acknowledged that that was something that occurred occasionally. Moreover, the Security Council had not cited the Burundian army in its resolution 1304 (2000), to which President Kabila had referred. As had been reiterated at the Conference of Heads of State or Government of the region, held in Arusha, Tanzania, in February 2001, the Democratic Republic of the Congo should urge FDD to join the peace process in Burundi. The late President, Laurent-Désiré Kabila, had seen the advisability of such an initiative, since he had got the leader of FDD to meet the President of the Republic of Burundi in Libreville, Gabon. The Conference just mentioned had requested President Joseph Kabila to pursue that initiative and Burundi hoped that he would comply with that request.

The meeting rose at 1 p.m.